

1882-064 Chancery Causes: John R. Yeary vs. Addison Smith & Lee Co

Wolfenbarger, Ely, Smyth, Beeler, Wolfenbarger, Surgenor

CA-Debt

T-Property

-Deed

To the Honorable John A. Kelly, Judge of the
Circuit Court of Lee County Va.

Your orator, John R. Yeary humbly com-
plaining sheweth unto your Honor, that on
the 12th day of September 1872, one Margaret
Wolfenbarger, executed her certain writing
obligatory sealed with her seal and signed
with her proper name, the date whereof is the
day and year aforesaid, by which she bound
herself to pay one day after the date thereof to
Adson (meaning Adolison) Smyth, the sum of
two hundred dollars, - on the 21st day of
September 1872, by a writing endorsed on the
back of said bond the said Adolison Smyth
assigned the same to your orator for value re-
ceived therefor, which said bond marked as
has been with filed and prayed to be considered
with the endorsement thereon as a part of this
bill. - This bond nor no part thereof has ever been
paid to the said Smyth, or your orator but the
same is now wholly due your orator -

Your orator further alleges that this note was
executed, for the price in part of certain tract
or parcel of land situated in this County on Powell
River in Whiteshoals Township, and known as the John
Ely tract, and was for Rebecca Smyth interest in
said tract. Your orator further alleges that the
said Adolison Smyth and Rebecca his wife have

executed a deed to the said Margaret Woffinberger for said lands retaining a lien thereon for the purchase money, which said deed or a copy thereof will be found with bills marked B. and is prayed to be considered herewith.

Your orator is informed and therefore charges that the said Margaret was at the time of the execution of said deed a married woman; and that she still is and the said contract is therefore void - but that the said deed being executed to her and she taking possession of said land, by and with the consent of her husband amounts to a ratification of said contract, or at least a court of equity will compel him to ratify or disclaim said contract - that should he ratify the same then that your orator would be substituted to the rights and remedies of the said Smyth, and be entitled to enforce his lien, for the payment of the said bond. But should he and his said wife Margaret, refuse to ratify or adopt said contract, then your orator claims his rights to proceed against the said Smyth, who being a non resident, and owing these lands in this county your orator has right to proceed against him by Foreign Attachment - to have the said lands attached and held subject to the order of this court.

The object of this bill therefore, is to compel an election by the said Alfred Woffinberger and Margaret Woffinberger, ~~in respect~~ to the contract before alluded to, and if they confirm to

here the same specifically executed, by enforcing the vendors lien retained by the said Solomon Smyth & wife in said ^{and} against said land for the benefit of your orator by way of substitution - Should they decline to adopt said contract, then to have the same attached and sold to pay and satisfy the amount your orator claims the said Smyth and wife therefor to wit \$200. paid 21st September 1872.

His prayer therefore is that Alfred Woffinberger and Margaret Woffinberger his wife and Solomon Smyth he made parties defendants ^{to this bill} and answer to, allegations on oath, that the said Woffinberger and Margaret his wife, be compelled to affirm or deny said contract; that should they affirm then that your orator be subrogated to the liens rights and remedies of the said Smyth, and that his vendors lien be enforced for the payment of your orators claim; But should they deny the same, then that said lands be held liable and subject in the hands of said Smyth to the payment, of your orators claim; and costs; and for all further and general relief may Supr. issue &c

Edgar and Ardmore

John R. Yeary
vs Billchy

Adelison Singhetas

[Faint handwritten notes at the bottom of the page]

Don't know

1875. March 1. Mrs. C. C. C.

Sept 24th 1846

O. P. au S. de l'Inde

Thal. S. folia [unclear]

. Von Pierre. Viii. & IX.

Set for hearing by P. Hoff

June, 1842. I am that
a. J. J. J. J. J.

11 July George & J. C. C. C.

July 2nd Phil. Canby to
John W. Pitt

for many years

Adm. of the Court
Adm. of the Court

[Faint handwritten text, possibly "L. 100"]

1527. Aug & Nov Contd

1578. Conty this year.

1879. Court " "

1481. Mr. Gould, &c

1087 M. Verch

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County.

The amended and supplemental bill of
John R. Geary, to his original bill heretofore
filed in this Honorable Court, - Your orator
would respectfully represent that his original
bill was filed against Addison Smyth the wife
and Margaret Haffmberger their vendee of a certain
piece of land properly described in his said
original bill, and the debt sought to be en-
forced was the purchase price thereof, being \$200
due 22 day of September 1872, after the institution
of your orators suit the said Margaret Haffmberger
departed this life, and the cause has been heretofore
revised against her heirs & personal representatives
a decree rendered therein directed the lands of the said
Margaret to be sold, and ~~that~~ that is the price
the purchaser from Addison Smyth's wife, and
your orator became the purchaser at the price of
\$60; out of which he had to pay the sum of
\$48.99. and commissions \$3.25. leaving only the sum of
\$22.72. to be credited upon your orators demand.

Your orator alleges that the said Margaret had
other lands adjoining the lands sold as aforesaid
and is her own part of said Edy farm, as others
purchased by her, they are situated in this county &
is properly described in your orators original
bill to which reference is here made.

The said Margaret had other and divers creditors not known to your orator, and for whose benefit this amended bill is in part filed upon the usual conclusion of creditors bills - be the nature of which your orator seeks to change his cause he prays for an account of the administrator Thomas S. Ely, and that a commission ascertain ^{what} ~~what~~ lands & their rental value, yet remain still belong to the said Margaret Wolfenbarger at the time of her death - and that he ascertain the indebtedness of said estate & whether or not the said lands will in five years pay the said debts.

It is this end he makes Addition Supts Alfred Wolfenbarger, Thomas S. Ely administrator of the estate of Margaret Wolfenbarger deceased, and the following children & heirs at law of Margaret Wolfenbarger deceased, and to whom said lands descended parties to this Suit viz. Alpha Wife of Joseph Wolfenbarger, Joseph Wolfenbarger, David L. Beeler, David Beeler Leola Beeler and Morgan M. Beeler being at law of the said Margaret parties defendants to this bill and that they answer the same on oath, that a decree be rendered directing an account of said estate, showing its personality, its debts, its real estate its rental value and the amount of debts, and that the same be rented or sold for the payment of the said debts and for all other further & general relief they may suffer in law &c.

Attest & Endorse

John R. Grant

333 Bonded Bill

Alfred Supts et al
Filed at June Rules 1876

Colr. 5.30 To Jan 1877
1.00
po 5.00
\$ 11.30
Comm. 2.25
Witness 1.00
\$ 14.55

To the Honorable John S. Kelly Judge of
the Circuit Court of Lee County Va.
The Joint Answer of, David C. Buler
Daniel Buler, Calib Buler and Morgan Buler,
infant children of Morgan Wolfenberger, by
David Miller their guardian ad litem, to bill filed
by John R. Geary against them defendants,
et al. Respondents says he knows of no
defense himself proper or available to be
made to the plffs cause, and his words being
of tender years cannot, infer him of any
defence. He therefore demands full proof
by the plff, and throws his words upon the
tender care and protection of this Honorable
Court as the peculiar guardian of infants and
heirs, now fully answered, he prays leave to
be dismissed with his costs and charges.

David Miller
Guardian ad litem of the infants

Virginia Lee County—

This day David Miller personally
appeared before me, and made oath that the
forgoing answer as far as made upon his own information
is true, and so far as made upon the information
obtained from others he believes to be true. Given under
my hand this 1st September 1873

James W. Orr. cl.

David C. Pulerals

ads } Infants by Daniel
Miller Guardian ad litem
Susan

John R. Yeary

Filed at Sug' Term 1876.

James W. Orr, Clk.

Fee \$5.00

John R. Yeary Plffs. } In chy.
against
Addison Smith - Deft.

This cause came on again this day to be heard upon the report of A. L. Ordmore Comr. with his deed to said A. R. Surgenner, filed therein as directed at a former day of this term - And was argued by counsel, on consideration whereof, and for reasons appearing to the Court, said report and deed being unexcepted to are each of them is confirmed - And said Surgenner is directed to pay said Commissioner Ordmore the sum of \$5.00 for executing the same to him - And said deed is ordered to be by the Clerk delivered to said Surgenner, and no further action being necessary the cause is stricken from the docket.

John R. Yeary

v 3 Decur
Final

Addison Smith et al
March 7. 1882

Contd page 257
J. Platt
Clerk

Enter this off
Cur. April 3rd 1882
J. C. K.

John R. Geary, ----- Opps
against

against

Addison Smith et al left 9

This cause came on again to be heard upon the papers formerly read and the report of A. S. Pondemore filed Nov. 12 1879, and the assignment without any advance in price, by John R. Geary to the price of land purchased by him, to A. R. Surgenor. And was argued by Counsel - an Consideration whereof and for reasons appearing to the Court - said report - and the transfer of the land from Geary to Surgenor, are on each of them is confirmed. And it appearing by said report that said purchase money has been fully paid; A. S. Pondemore who is hereby appointed a commissioner therefor will convey to the purchaser A. R. Surgenor the price purchased by John R. Geary, being the interest formerly owned by Addison Smith and wife and also, the $3\frac{1}{2}$ other shares owned by said Margaret Wolfenberger, being one half of the said John Ely tract by Covenants of special warranty, and report the same, to a future day of this Term to which day, said cause is continued for the coming use of said report.

John R. Geary

W³ Deane
For Conveyance

Addison Smithway
March 5. 1882

Ent'd Page 352.

J. H. Hyatt
Clerk,

Enter this
April 4/82
J. H. R.

John R. Geary PPH
against
Addison Smyth et als Sept. { In ch.

This Cause Came on again this day to be heard on the papers formerly read and ~~and~~ argued by Counsel. And it being suggested that the defendant Morganst Wolphenbarger has died since the last Calling of this cause. And the Court being informed that his heirs at law are the following named persons to wit Sophia wife of Joseph Wolphenbarger, David & Beela, Daniel Beela, Colib Beela and Morgan M Beela - On consideration it is therefore ordered that this suit be revived as against them, and he proceeded in to a final termination. And it being further suggested that the last named four are infants it is ordered that David Miller be appointed a guardian ad litem and answer for them. And the said David Miller having now filed his answer - the cause is ordered to be proceeded with and the decree heretofore entered executed and the cause is continued.

for W. Gray

v. { plain - narrow
Adrian Smyth et al

Can I revise without
deire facies?

John R. Gray
against

Pff { In by

Addison Sinyth et al.

Wife {

This cause came on again this day
to be heard on the papers formerly
read and report of Com. S. L. Priden-
more filed February 6th 1877 and
was argued by counsel. By which
report it appears that said Commis-
sioner sold pursuant to a decree
in this cause the land which
was owned by Margaret Wolfenbarger
at the time of her death, the same
being one half of the old John Ely
tract described in the bill, and at which
Sole A. R. Deussen became the pur-
chaser at the price of \$260. And
said report being unexcepted to is
confirmed. And it further appearing
to the Court that the purchaser with
M. A. Richardson ^{security} executed his note to
said Commissioner for \$232.⁴⁵ the
same being the balance of purchase money
after payment of costs, to be paid on
the 5th of February 1878 with interest
from 5th of February 1877. On consideration
it is ordered that the said Commissioner
collect the same when it falls due
and pay it ^{pro rata} ~~pro rata~~ to the creditors
as set forth in report of Com. M. A. P. M.

But before he collects the same
he will execute bond before the
Clerk of this Court in the penalty
of five hundred dollars conditioned
to pay said money, or herein decreed,
he will report his action to this
Court and the cause is continued

Pro R. Gray

vs. Meade

Admission Every the above

Entered Order Books

page 622.

James W. Con. Clerk.

Entered
J. H. K.
Apr 3/77

John R. Geary Plff }
against } Rich.
Richard Smyth et al. vft

This cause
came on again this day, to be heard upon
the papers formerly read and the report of
Wm. S. Bell, special commissioner, filed Nov.
15. and was argued by counsel, and it appears
that said report has been filed more than
10 days before the commencement of this term
~~court~~ and no exceptions being filed thereto the
same is confirmed - On consideration
whereof and for reasons appearing to the
court, it is adjudged ordered and decreed
that John R. Yeary recover from Thomas
S. Ely sheriff administrator of Margaret
Wolfsbarger dec'd the sum of \$226. 31.
as of September 23. 1876, and that Hill & Butler
recover the sum of 188. 00 with legal interest
thereon from the 14th Nov. 1874 till paid - And that
the plffs recover his costs in this suit - And
that unless said Thomas S. Ely admin or some
one of said heirs shall pay the aforesaid sum
within 30 days from the rising of the court
then, that A. L. Philmore who is hereby appointed
a special commissioner, is directed after posting
notice for at least 30 days, on the front door
of the court house of this county and in the neighbor-
hood where the land lies, setting out the time
terms and place of sale, proceed to sell the
~~the~~ lands owned by Margaret Wolfsbarger at the
time of her death or so much thereof as may
be necessary to pay the claims herein, against and
the costs of this suit. He make said sale at
the front door of the Court House of this

John H. Geary

29 } receive

Adelbert Lane, Treas.

Nov. 1. 1876

Entered under Book No. 2470
278

A. H. & Co. J. C.

Enter this day
Dec. 8 1876
J. C. H.

This court on some Court day, on account
of twelve months except so much as may
be necessary to pay the costs of suit & sale, which
the commissioner will require to be paid down
He will take bond payable to himself as
commissioner being return to from date with
good personal security for the purchase money.
He will report his action being from time to
time to this court & the cause is continued.

+ Mr. Motion David Miller guardian
ad litem of infant debts filed their
answer and their report

John D. Gray Off
against in Chy
Addison Smith et als Defts

This cause came on again this day to
be heard on the papers formerly read and
the amended bill and publication duly
executed against the non-residents, the answer
of the infant defendants by David Miller their
guardian ad litem ~~who filed the same by~~
~~leave of court.~~ An consideration whereof
it is adjudged ordered and decreed that com-
mission William A. Orr settle and
adjust the administration account of the
representative of decedent ^{William A. Orr} William Dargen, that
he show all the debts due to and from
said estate - that he show the real estate
owned by the said Margaret William Dargen at
the time of her death and what has descended
to her heirs, the untol value thereof and
who is now in possession of the same and
further report if the heirs of said land will
pay the debts due within five years. He
will also state any matter deemed by him
pertinent or required to be stated by the parties
and report to the court and the cause is
continued

Mr D Gray

to } docu

Addison Smith et al

Entered in 1840 by J. D. Gray

1840

Enter This

Sept 10

J. D. Gray

John R. Geary Plff } In the
vs }
Addison Smyth et al, Defts }

The order of continuance, heretofore entered in this cause is upon motion of the plff set aside. And therefore this cause came on again this day to be heard upon the papers formerly read and the report of special commissioner A. L. Pridemore filed November 2^d 1876, and was argued by Counsel. And it appearing from said report, that the same has been filed more than 10 days before the commencement of this term, and no exceptions being filed thereto the same and the sale therein reported are confirmed - And it further appearing to the court that said proceeds of sale, fall far short of satisfying the plffs demand as decreed herein heretofore, and that the decedent has other lands in this county, subject to the payment of his said claims, and that there are also other creditors, ^{said} ~~entitled to share with the~~ ~~plff, in the~~ estate of the decedent. On consideration whereof & foreclosures appearing to the court it is adjudged ordered and decreed that A. L. Pridemore commissioner herein, makes and executes to the plff. a deed of conveyance with covenant, of special warranty ~~to the plff~~, for the land purchased by him & that the plffs demand be credited with the sum of \$22.72. the residue of said purchase money after the payment of the costs of suit & expense of sale. And leave is granted the plff, to amend his bill, in the nature of a creditors bill, bringing the heirs & creditors of said Margaret Walpudoren, as defendants before this court

his said answer will shall be filed at rules and
the same proceedings had there as a ⁱⁿ new suit. Com-
missioner Prudhomme, will report ~~this~~ action being di-
rected to this court at some future time & the cause
is continue.

John R. Yeaman

vs. Deane

Adversus Smyth

March 1. 1876

England & Sons

508. James W. M. Clark.

Enter this decree

April 1. 1876.

1876.

John R. Yeary - Plff }
vs } In chs.

Addisire Smyth et al, Defs }

On the motion of the plaintiff, David Miller is appointed Guardian ad litem, for David L. Beeler Daniel Beeler Lealeb. Beeler and Morgan M. Beeler infant defendants, and on his motion leave is granted him to file their answers ^{which is done} and it appearing to the Court that Margaret Wolfmberger ^{estate} a defendant in this cause who has departed this life, has been committed to Thomas S. Ely Sheriff of this County and that a Scire Facias, has heretofore issued and been duly served on said Ely and duly posted and published against the nonresidents, and they all failing to appear answer the cause is ordered to be revived, and to proceed in ~~the same~~ ^{the} name of Thomas S. Ely administrator the estate of Margaret Wolfmberger and Joseph Wolfmberger Orpha Wolfmberger his wife David L. Beeler Daniel Beeler Lealeb Beeler and Morgan M. Beeler heirs at law of the said Margaret Wolfmberger; and thereupon this cause came on ^{again} to be heard upon the papers heretofore read the answer of David L. Beeler Daniel Beeler Lealeb. Beeler and Morgan M. Beeler infants by David Miller their Guardian ad litem, and the scire facias executed and published as aforesaid and was argued by counsel on consideration whereof the Court is of opinion and doth so adjudge order and decree, that A. L. Prielmeier former Commissioner in this Cause do proceed, to execute, the duties assigned him in the former decree in this cause entered herein

John R. Geary

vs } Deane

Adelicia Smyth et al,

Nov. T. 1875

Entered under Book

Page 483 & 484.

James H. Condit.

Enter this decree

~~Nov~~ Nov 30 1875

J. A. K.

on the 27 August 1874, and report this action to the
this court at some future term, and the cause is
continued.

John D. Gray

Off.

against
Addison Smyth & wife except } In the
This Cause came on this day to be
heard on the bill of the plaintiff
exhibits filed and was argued
by Counsel. And it appearing that
process has been duly executed by
publication duly made against
the defendants who are alleged to
be non-residents and they failing
to appear the bill is taken for
conferred. And it appearing to the
Court that the writing in the bill
mentioned executed by Margaret Wolfinbarger
to the Addison Smyth the assignor of
the plaintiff for the land in the bill
mentioned which has been conveyed by
the said Smyth and wife to
Margaret Wolfinbarger as shown by exhibit B,
the Court is therefore of opinion that of
the ~~same~~ ^{defendant Wolfinbarger assigns to his wife} acceptance of
the deed by the said ~~defendant~~ Wolfinbarger
must be held as adopting his wife's
contract and must be held bound
for the purchase money due for
said tract of land. In considera-
tion whereof it is adjudged and
decree by the Court that unless the
defendants pay to the plaintiff
\$200.00 with interest thereon from
the 13th day of September 1872
and the costs of this suit within
30 days from this date, then
Arthur L. Prichard who is hereby
made a special Commissioner for
the purpose is directed to sell

The said tract of land or so much
 thereof as may be necessary to pay
 the said debt and costs.
 The sale is directed to be made at
 the front door of the Court house
 of this County on some Court
 day after ~~due~~^{30 days} notice on the
 Court house door and in the
 neighborhood where the land
 lies setting forth the time place
 and terms of sale and which sale
 will be made on a credit of 12
 months except so much as may
 be necessary to pay costs & have
 be required to be paid in hand.
 The Commission will take bond for
 the purchase price payable to himself
 in the good security he will report
 to the Court.

For the County

W. L. L. L.

ed. W. L. L. L.

ordered under Bond.

page 365.

James H. Orr. Clerk.

The deed does not
 carry Rebecca Smyth's
 title — The purchase
 price is secured

Enter the

book.

Aug 27/74

Office of Ayers & Co, Janesville, W. Va. Sept. 23/76.
John R. Yeary Diff
vs } No stay
Addison Smith & Co als Defts }

The deposition of John R. Yeary
taken in this cause on the 23rd day of Sept 1876
with reference to the annual rental value of the
lands of Margaret Wolfenbarger being sworn
says.

I have been on the land of Margaret
Wolfenbarger dead and it is a small tract
of land containing about seventy five
acres and is a poor quality of land so
far as he is capable of judging, and his
opinion is that the whole of it would not rent
for more than twenty dollars per year.

And further this witness saith not
John R. Yeary

A. B. Surgenus another witness of Cowfubage
being first duly sworn says

I am acquainted with the land of
Margaret Wolfenbarger dead and it is a poor
quality of land and my opinion is that
it would not rent for more than twenty
or twenty five
dollars per year

And further this witness saith not.

A. B. Surgenus

State of Va }
Lee County }

I, Wm. F. Orr a Court. in the Chy cause of
John R. Yeary vs Addison Smyth & als., do
hereby certify that the within depositions were
duly taken, sworn to and subscribed before
me, at the time and place mentioned
therein.

GIVEN under my hand this Sept. 33/76.
Wm. F. Orr Court.

John R. Yeary

vs }
Depos of A. R. Dargatzis
of John R. Yeary

Addison Smyth & als.

Witnesses - \$1.00
1 day each

Virginia Lee County to wit
This day John R. Geary made oath before
me that Addison Smyth, is justly indebted
to him in the sum of \$200. and interest thereon
from the ~~27~~¹³ September, 1872 - but that he also
owes said Smyth \$20. to be paid when he
collects a note assigned to him by said Smyth
on Margaret Wolfenberger, due the 13th September 1872
and that he is informed and believes that said
Addison Smyth, Alfred Wolfenberger and
Margaret Wolfenberger are now residents of this
Commonwealth. Given under my hand this 25th
day of ^{August} 1873.

James W. Orr, Clerk,
Lee County Court.

John A. Young

to A. J. Young

Winnipeg, Manitoba, 1st Dec.

To the Honorable John R. Keller Judge of the
Circuit Court of Lee County.

The undersigned who was appointed a special
Commissioner, in the Chancery cause of John R.
Yeary against Solomon Smyth et al, begs leave
to report - That in pursuance with former de-
crees, rendered in this cause, particularly, and on
the first day of the January term 1876 of the county
Court, proceeded, at the place & in the manner
prescribed, to sell on the terms mentioned in said
decree the lands directed to be sold, and the same
was knocked off to John R. Yeary the plff as the
highest bidder at, the price of \$65.00. of which
sum he paid your commission for costs of suit
as taxed by the Clerk \$48.99. and also his commission of 5 per-
cent, \$3.25 - leaving of the purchase money \$22.72. to be
credited on the plffs claim, and as the same was due
to him alone I did not require bond as no one else
was interested - thus leaving the plffs original de-
mand only credited with \$22.72. The defendant
Margaret, Wolfenbarger, at the time of her death and at
the time of the rendition of the first decree, owned other
lands in this county as in the plffs bill mention, &
she also owes some other debts, your com. therefore
suggests an account be taken, of the rental value
of her other lands & of the debts owing from her, & their
priorities. Your com. has ascertained, but will now state
from all he can learn the sale, was as much as could
have been realized, for said lands. They are poor, and
only one share in a considerable farm. Its confirmation
therefore he recommends. All of which is respectfully
submitted.

A. L. Pridemore

March 2^d 1876

John R. Yeary

and Communion
Refort - No 1
(A.L.P.)

Selection Length et al

Filed Apr 2nd 1876
James W. West Clerk

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County:

The undersigned who was appointed a
Commissioner by a decree of your honorable Court on
the 6th day of September 1876 in the Chancery Cause
of John R. Geary against Addison Smyth et al,
begs leave to report. That pursuant to the requirements
of said decree, after first summoning the parties inter-
ested in this suit on the 23rd day of September
1876, ^{See notice filed herewith marked "A"} I proceeded to examine the standing of Thomas
S. Ely Sheriff and as such administrator of the
estate of Margaret Woolfenbarger deceased, and
I found that there was nothing in his hands from
the fact that there had never been any thing in said
estate for an administrator to do. She having
left no estate, except a small and poor tract
of land on Powell's River about 15 miles
below Jonesville, which would not rent for
more than 25¢ per annum (See the disposition
filed herewith, as a part of this Report, of
A. R. Surge and J. R. Geary.) Your
Commissioner has not been able to learn who is in
possession of said land but he has been in-
formed that it is in the possession of some of
the heirs of Margaret Woolfenbarger deceased.

Your Commissioner knows of no
debts due to said estate, and none from
it except the plaintiffs' claim, a state -

must of which is filed herewith marked "B"
by which your Court finds said estate
to be indebted to John R. Yeary on the
23rd day of September 1874 in the sum
of \$226.31. Your Court must
therefore report ^{said claim is due from} ~~that said estate~~ ~~will~~
~~said estate to said Yeary; and also an~~
~~order of the Court to Hill and Beeley, Treas-~~
~~urers of the said estate 5 years ago.~~
~~said Margaret Walpurgis in her~~
~~Att. of which is respectfully submitted~~
H. A. Orr Comm.

~~Nov. 15/76.~~

Septimus of \$188.84 with interest from
14th day of November 1874 due by
Mortgage against David Butler the
Adm. of the estate of Margaret Walpurgis-
barger died, but your Commissioners
must report that said mortgage
has no priority, but must share
equally with the claims of said
Yeary. And these two claims
are all that your Commissioners
find against said estate; and
the rents and profits of said
land will not pay these claims
within five years.
Nov. 15th 1876 H. A. Orr Comm.

John R. Yeary

vs } Report of Wm. A. Orr
Special Commr.

Addison Smyth et als

Filed Nov. 15th 1876

R. W. Orr Jr. S.C.

Commr. W. A. Orr

3 hours @ 75 cts \$ 2.25-

Witnesses

1.00

\$3.25-

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County.

The undersigned who was by a former
decree of your Honorable Court, appointed
a special commissioner for the purpose
begs leave to report - That he has made the
deed required by said decree to John R.

Grady the purchaser of the undivided interest
of the land mentioned in said decree, as the
share in the John T. Ely farm purchased by
Margaret Walfridson in her lifetime from
Addison Smythe & his wife. That being
the land sold by your commissioner to
said Grady - This being the only duty re-
quired of your commissioner he humbly
submits his action to the Court.

A. L. Prelmore Comr.

May 24th 1876.

John R. Geary

vs } Report No 2
Submitting doc't

Adellon Singste. et al

Filed May 24th 1876.

James H. Orr. Clerk.

To the Honorable John S. Kelly Judge of
the Circuit Court of Lee County Va

The undersigned, a special commissioner
appointed for the purpose in the chimney case
now pending in your honor's court, presents
as direct evidence several things at the last
December term to advantage, and on the 8th
day of Feb. 1877, being court day at
the front door of said Court, to all the highest
bidders, the lands owned by Margaret Hufschlager
deceased at the time of her death, being as per
^{Comr}~~Comr~~ is informed she shows or one half of the
old John H. tract described in the bill
of sale. The highest bidder being the highest bidder at
the price of \$200. The same was knocked down to
him, he then paid me in hand residue of cash
as forced by the clerk \$14.50. and I returned my
commission of \$13.00 and then said Surgeon's costs
his notes to me for the residue of \$232.50; payable
in twelve months, with interest from date
with Mrs. Richmond security there. The se-
curity is perfectly good and solvent and
the note was not doubt as good as could be
made as the creditors were themselves, or by
their agents present and they would not have
been tractable. All of which is respectfully
submitted - Feb. 10 1877 The

J. L. Proctor Comr.

John W. Benson

5000th Anniversary
of the
of the 2nd

Religious Longitudes

Filed Feb 10/77

R. W. Orr Jr.

ESSEX & PLYMOUTH
REGISTERED
JANUARY 1880
\$100.00

To The Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va.
The undersigned Special Commissioner
in the case of John R. Geary v Addison
Smith et al, beg leave to report, that
the purchase money due from A. R.
Surgeon as report heretofore in this
cause has been fully paid except a
small portion now due upon, and
which is due your Commissioner under
an arrangement - both the creditors be
having paid them all that is due them
And your Commissioner is willing to take
said purchase or his security for the same
so that a deed may now be made to said
purchase. All other matters in this
cause is now fully settled and the same
after said deed or confirmation may
be stricken from the docket. All
of which is respectfully submitted
A. L. Pickens Comm.

A. L. Pickens

In { Report No (3)

Geary v. Smith et al

Filed Nov. 12th / 1879

Teste - J. W. Orr, clk

To the Hon. John A. Kelly Judge of the
Circuit Court of Lee County Va

The undersigned Commissioner begs leave
to report that, as by a decree rendered
on the 4th day of April present term
he has made & executed the deed
of conveyance directed by him to be
made to A. R. Surgenor, in the cause
of John R. Geary against Addison
Smith et al; and herewith files the
same marked "A". So far as your Com-
missioner can see or know said
cause can now be stricken from
the docket. All of which is
respectfully submitted.

April 8th 1882.

A. L. Pridemore

John R. Geary

13 Report of
O. A. L. Inden as
Final
Addition Amster

Filed Apr. 11 1887

J. A. Hyatt
Clerk

Gainesville, Tex. Co. 1st
September 11th 1876.

John B. Geary - - -
against

Addison Smith et al. Defts

Plff

In Chy.

The parties to this suit, and
all others interested are hereby notified, that at the
Law Office of Ayers & Orr, in Gainesville, on the
Saturday the 23rd day of September 1876, I will
proceed to execute a decree of the Circuit Court of
Lee County, entered in the above styled cause, on
the 6th day of September 1876 (of its terms and require-
ments the parties are required to take notice and
act accordingly), at which time and place all
parties interested are required to appear and to
produce and bring with them all necessary
papers and such witnesses as they may desire to
introduce touching any matter about which
oral testimony may be desired.

Wm. A. Orr. Com'r.

John B. Yeary
vs - Notice - Sept 23 - 1878
Addison Smith et al

Exhibited
Thomas J Ely D S
for Thomas S Ely S L et

(Exhibit "A")

241.60
241.43
241.03
22.72
22.23

The estate of Margaret Waulfubarger
to John R. Gary assignee

To Int. on note from Sept. 13th 1872 to Mch 2nd 1876 41 60

Mch 2nd 1876 " prin. of said note

" " " By Cash recd by A. L. Bridgman Comr in this cause

Sept 23rd 1876 To Int. on bal due Mch. 2nd 1876 to this date

This sum to square

Bal due Sept. 23rd 1876

Deb	Dr	Cr
\$	\$	\$
41 60		
	200 00	
7 43		22 72
49 03	200 00	22 72
	226 51	

Statement of debts
due from the estate
of Margaret Moulton -
bought deed.

"Exhibit B"

This deed made the 10 day of June
1874 between Edison Smith and
Rebecca Smith his wife of Lee County
Kentucky of the first part and
Margaret Wolfenbarger of Lee County
Virginia of the second part.

Witnesseth that the parties of the first
part, in consideration of the sum of
of Two hundred dollars, paid and
received to be paid as follows to wit
by note bearing date, 12 day of Sep-
tember 1872 for the sum of two hun-
dred dollars, for the payment of
which, a lien is hereby retained
on the lands hereafter described -
The parties of the first have bargained
granted and sold, unto the party of
the second part, all their right title
and interest in and to a certain tract
or parcel of land, lying in the County
of Lee and State of Virginia and
bounded as follows to wit lying on
Powells river known as the farm John
T. Ohy owned at the time of his death
it being the same farm upon which
John T. Ohy died and is buried - The
party of the first part, hereby convey and
warrant of the said farm, they being

heirs of the said John. Ely. deceased.
and the parties of the first part do hereby
covenant with the party of the second
part that they will warrant generally
and forever defend lands hereby con-
veyed. Witness the following signatures
and seals this the day and year
first above written -

Adison Smyth Seal

Rebecca ^{her} _{mark} Smyth

Seal

Kentucky L & C County to wit.
~~and~~ Wm H Crawford J. P. L. C
The undersigned Justice of the peace
in and for the County of L & C and State
of Kentucky, do certify that Adison
Smyth whose name is signed, to the
foregoing deed bearing date the 10th
day of June 1874 personally
appeared before us and acknowledged
the same to be his act and deed -
Given under my hand this 10 day of
June 1874

Wm H Crawford J. P. L. C

Kentucky L&E County to wit
we W^m H Cranford and Turner
Hughs Justices of the peace
in and for the County and State aforesaid
do certify that Rebecca Smith the wife
of Edison Smith whose names are signed to
the writing above bearing date on the
10 day of June 1874 personally appeared
before us in the County and State aforesaid
and being examined by us, privily and apart
from her husband; and having the writing
aforesaid fully explained to her she the said
Rebecca Smith, acknowledged the said
writing to be her act, and declared that
she had willingly executed the same and
does not wish to retract it. Given under
our hands this 10 day of June
1874.

W^m H Cranford J. P.
Turner Hughs J. P.

Margaret K. K. K.

John J. K.

John J. K.

"B"

Hill & Beeler
vs
Daniel Beeler Adm^r

Judgement - November 14th 1874. \$188.88

Interest from Judgement.

Officer W. Hollinworth for serving Warrant	50
Ben Manson for Issuing Warrant	25
E. A. Scuff for Judgement Docketing &c.	1 20
E. A. Scuff for Issuing Execution	. 30
Officer for Serving Execution	1, 00

State of Tennessee
Franklin County

I Certify that the foregoing Judgement
the Title of which is Hill & Beeler, vs Daniel
Beeler Adm^r, for \$188.88 with the Annexed
Bill of Cost, is a true copy as it is on the
Docket, in my Office.

Given under my hand at office September
18th 1875-

E. A. Scuff
Justice of Peace for Franklin
County

Will & Beeler
v-3

Daniel Beeler adm^r

Judgment Bill
of costs &c

THIS INDENTURE, Made this 12th day of October 1872, between
Adison Smith and Rebecca Smith his wife

of Lee County Kentucky of the first part, and
Margaret Wolfenbarger

of Lee County, Virginia of the second part,

Witnesseth, That the part of the first part, in consideration of the sum of

Two Hundred Dollars (\$200.00)

~~Receives~~ paid and secured, to be paid as follows, to-wit: in ~~Repayment~~

by note bearing date of Sept the 10th day 1872 for the
 payment of the same a Lien is hereby retained upon
Said Land

the receipt whereof is hereby acknowledged, has

bargained and sold, and by these presents do convey and confirm unto the said part of

the second part, his heirs and assigns forever ^{all their interest in} a certain tract or parcel

of land, lying in the County of Lee and State of Virginia and

bounded as follows, viz.: Lying on Cordeles river known as the farm

John J. Ely owned at the time of his death it being the same

farm upon which John J. Ely died and is Buried

the part of the first part hereby sells and conveys

unto the part of the second part all of their right

title and interest to and in Said above named

tract of Land which interest as conveyed is one seventh

part of Said Land the part of the first part being heirs

at Law of John J. Ely deceased

And the Said Second party
To have and to hold the said interest in said
tract or parcel of land, with all appurtenances,
unto Margaret Hoffmeyer the part of the second part, his heirs and
assigns forever, with covenant of General **Warranty:** And the said
part of the first part do further covenant with the said part of the second part
that they will warrant and forever defend the title to the foregoing described land and
premises from the claim of all persons whatever.

In Testimony Whereof, The said part of the first part has hereunto sub-
scribed their names the day and year first herein written.-



Adison Smyth
Rebecca + Smyth
and

The Commonwealth of Kentucky: } Set.

Sp County,

I, E. D. Hughes deputy for H. Hargis Clerk of the Lee
County Court, do hereby certify that the foregoing deed from Adison Smyth
and Rebecca Smyth

was produced to me in my office on the 12th day of October 1872, and was
Rebecca Smyth having been examined by me separately and apart from her husband
duly acknowledged by the said Adison Smyth and Rebecca Smyth the said
to be their act and deed, duly stamped, as required by Act of Congress, and lodged for record.

Whereupon the same, together with this Certificate, is certified to the clerk of the County Court of Virginia for
Record.

Witness my hand, this 12th day of October 1872

Clerk.

By D. C.

The Commonwealth of Kentucky } Sect.
Lee County

I Edward Hughes

deputy for H. Hargis clerk of the Lee County
Court, do hereby certify that the foregoing deed
from Adison Smyth and Rebecca Smyth was
produced to me in my office on the 12th day
of October 1872 and was duly acknowledged by the
said Adison Smyth and Rebecca Smyth the
said Rebecca Smyth having been examined
by me separately and apart from her husband
whereupon she made this acknowledgment of her
own free will and accord. to be their act and
deed. for the purposes therein contained. duly stamped
as required by act of Congress. whereupon the
same together with this certificate is certified to me
clerk of the Lee County Court State of Virginia for
Record. given under my hand and seal of
my office this the 12th day of October 1872

Henry Hargis Clerk

By E. D. Hughes D. C.

Adison Smith Wife

To **WARRANTY DEED.**

Margaret Hollenbarger

1872 Oct 18th

Acknowledged before me, in due form,

by *Adison Smith*

Rebecca Smith

Attest

H. H. Harris

Clerk.

E. D. Hughes

D. C.

Filed for Record *Oct 18th 1872*

Recorded in Deed Book No.

Page

Tax 50 cents

Fees, \$

Due, \$

State of Tennessee,
Greninger County. I do hereby Lawful officer to
Exhibit and Return to Command you to summons
Daniel Beeler A.D. of Margaret Wolfenbarger Deed
to answer the Complaint of Will & Beeler in a
pled of debt Due by account in a some under
Five hundred Dollars given under my hand
and Seal This twentieth 18th 1874

Ben Branson J.P.

Hill & Beeler

N.S.

Donel. Beeler A.D.
of Margaret Wolfenbarger

Judgement in favor
of Plaintiffs and against
Defendants for (\$188.88) one hundred and eighty
eight Dollars and eighty eight cents, and
all legal costs, for which execution may
issue. This 14th day of November 1874.

Enos A. Acuff
Justice of Peace.

Margaret

Hill & Beeler

Donel. Beeler, et al.

Margaret Wolfenbarger

usual since 1874

Executed and Re

turned for trial on the

14th Day of Nov

1874 before E. A. Acuff

Justice of Peace
at the Court



This Note is for Rebecca Smyth
interest in the undivided track of John E. &
Land in Lee County on Powell River.



September Th 12 1872

One day after date I bind my self and etc.
to pay Titson Smyth the sum of \$ Two hundred
dollars for value received of him as witness my hand
and seal Margaret McFinkler Seal

For value received, I assign
the within note to John R. Gurg
Sept 21st 1872.

Addison Smyth

John R. Gurg
Sept 21st 1872.

232.45-

6
13.92470

232.45

#246.37

240 ✓

979.10
371.64
1370.74
1241
109

479

120

each year.

59.04

183.77
46
137.77

244.39

126.15
13.00
113.15

261.54
18.81
427.84

658.10
173.10
463.04
709.27
30.76
1261.27

#260 N.R.O.

Leaven to Bristol

Cost of Young's debt. 23rd & 24th 1876. \$226.31

to of Boston Hall

11.50

net from 14th Nov. 1876.

12.00

201.54

Young's debt

226.31

427.85

Cost early, to be paid instead.

14.50

\$442.40

Virginia.

In the clerk's office of the Circuit Court of Lee County, on the
20th day of September 1878.

John B. Geary

Plaintiff

Soldiers' Snuggles, Alfred Holfenbarger & Margaret
Holfenbarger his wife

Defendants

Whereas a suit in chancery has been depending in our said Court
between the said Geary Plaintiff and the said Snuggles Holfenbarger
& wife defendants and before a final decree was rendered therein
the said Margaret Holfenbarger died, and the plaintiff has applied
for a Reire Facias against Thomas S. Ely Administrator of the said
Margaret Holfenbarger decd, and Ophra wife of Joseph Holfenbarger
David L. Beeler Daniel Beeler, Caleb Beeler and Morgan^W Beeler
heirs at law of the said Margaret Holfenbarger decd.

Therefore we command you that you make return to the said
And it appears by an affidavit filed in said suit that the said
Ophra wife of Joseph Holfenbarger, David L. Beeler, Daniel Beeler,
Caleb Beeler and Morgan^W Beeler heirs at law of the said Mar-
garet Holfenbarger decd, are nonresidents of the State of Virginia.
It is therefore ordered that they appear here within one
month after due publication of this order, and show cause if
any they can, why the said suit should not be proceeded in to a
final decree.

A Copy

Teste James W. Orr, Clerk

I certify that on Monday the first day of the October Term 1878,
of the County Court of Lee County, I posted a copy of the above
order at the front door of the Court house of said County.

October

1878.

James W. Orr, Clerk

John R. Heary.

Order Pub' on Seis &
Facies.

Addison Smith et al.

Copy to Sentinel Sept 27th

1875

James H. Carr. Clerk.

The Commonwealth of Virginia.

To the Sheriff of Lee County. Greeting.

Whereas a suit in chancery has been depending in our said circuit of said County between John R. Yeary Plaintiff and Addison Draych, Alfred Walfenbarger & Margaret Walfenbarger his wife, defendants, and before a final decree was rendered therein, the said Margaret Walfenbarger ^{decd.}, and the plaintiff has applied for a writ of Habeas against Thomas S. Ely Administrator of the said Margaret Walfenbarger, and Orpha wife of Joseph Walfenbarger, David L. Beeler, Daniel Beeler, Caleb Beeler and Mary M. Beeler heirs at law of the said Margaret Walfenbarger decd.

Therefore we command you that you make known to the said Thomas S. Ely Administrator as aforesaid and Orpha wife of Joseph Walfenbarger David L. Beeler, Daniel Beeler, Caleb Beeler and Mary M. Beeler heirs at law of the said Margaret Walfenbarger decd., that they be before the Judge of our said Court at the Court house in the Clerk's office, at rules to be holden for our said Court, on the first Monday in October next, to show cause, if any they can, why the said suit should not be proceeded in to a final decree, and have then there this writ. Witness James W. Orr Clerk of our said Court, at the Court house, this the 24th day of September 1875, in the 100th year of the Commonwealth.

James W. Orr, Clerk.

John R. Garry
vs 3 Scire Facias
Addison Smyth et als.

October Rules 1875

I accept legal service of
the within Scire Facias

Wm. A. G. Garry
Attorney

Virginia

In the Clerk's Office of the Circuit Court of Lee
County on the 24th day of May 1876.

John R. Ylary

Plff.

against

Addison Smith et al

Defts.

In Chancery on an orig

bill

The object of the said bill as amended is to convert the
creditors of the decedent Maryard Wolfenbarger and ascertain
the indebtedness of her estate & to marshal the assets both real
and personal and to subject to the payment of the debts of
said estate the real estate belonging thereto in the event the
personal estate will not be sufficient to pay said debts and
it appearing from an affidavit filed in the cause that
the defendants Addison Smith, Alfred Wolfenbarger, Joseph
Wolfenbarger, Orpha Wolfenbarger, David C. Butler, Daniel
Butler, Caleb Butler & Morgan M. Butler are nonresidents of the
State of Virginia, it is ordered that they appear here
within one month after due publication of this order &
do what is necessary to protect their interest in this suit.

A Copy

Teste James W. Orr, Clerk

A copy of the above order was posted at the front door
of the Court house of Lee County on the first day of the
June Term 1876. of Lee County Court.

Teste James W. Orr, Clerk

John R. Heary
vs. 3 Copy of Gro. Park
No 3.
Misses Southgate

Virginia

At Court held in the clerk's office of the Circuit Court of Lee
County, ^{on the 3rd day of} September the 5th 1875.

John R. Gray

against

Anderson Smith Alfred Halfininger & Defendants
neglected his wife.

The object of this suit is to obtain a decree for the sale of the land
in the bill mentioned, or a sufficient thereof to pay and satisfy
the bond in the bill mentioned, due the plaintiff; And it appears
from an affidavit filed in the case that the defendants
are nonresidents of this commonwealth, it is therefore ordered
that they appear here within one month after due publication
of this order and do what is necessary to protect their interests
in this suit.

A copy

Teste James H. Orr, Clerk

I James H. Overstreet of the Court of the County of
certify that on Monday the first day of the September term 1873
of the county court I posted a copy of the within and
received by the same of the Court house of said County.
This Sept 18th 1873

James H. Overstreet

John B. Gray
J. Carter Stillman
Edwin Smith et al
Copy mailed to H. Overstreet
Sept 18th 1873
Copy to the County Clerk
January 1st 1874

State of Tennessee
Grainger County

To The Sheriff or any Constable of said County you are hereby commanded that of the Goods and chattels, Lands and Tenements of Daniel Beeler Administrator of Margaret Woolfensberger, if to be found in your County you make or cause to be made the sum of One hundred and Eighty Eight Dollars and eighty eight cents, with interest from the date of Judgement and all lawful costs. To satisfy a Judgement and Cost that Hill & Beeler of the firm of Hill & Beeler, recover against The said Daniel Beeler (Administrator of Margaret Woolfensberger Decedent,) before Enos A. Acuff Esqr. on the 14th day of November 1874
Given under my hand at office on the 7th day of July 1875.

Enos A. Acuff
Justice of the Peace
for Grainger County

State of Tennessee
Grainger County
I, J. P. M. Senter County Court Clerk of said County aforesaid. do hereby certify that Enos A. Acuff, whose genuine Official Signature appears to the undersd. is now and was at the time of signing the same a regularly acting Justice of the Peace for said County, duly elected, commissioned and qualified, and that full faith and credit is due all his ^{official} acts as such.
In testimony whereof I hereunto set my hand and Official Seal at Office in Rutledge August 28th 1875.
J. P. M. Senter Clerk
By J. S. Doyal D. Clerk

Execution

Hill & Beeler
U.S.
Daniel Beeler, Adm.
Issue 7th July 1875.

E. A. Scuff
Justice Peace

Come to Hand the
16th Day of July

1875
Search Made
and No goods Nor
chattels to be found
in My county of
the Defendant this
the 17th Day of
July 1875
Wm Hollisworth
const

Bill of Costs

Judgements -- \$188.88
Interest from date
of Judgement --
Justice for warrant
Subpoenas Judgement
and Docten b. -- 1.00
Officer serving Warrant .50

8.00

25

The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting.

WE COMMAND YOU TO SUMMON

*Thomas S. Ely, administrator of the
estate of Margaret Wolfenbarger deceased, Addison Smyth, Alfred
Wolfenbarger, Joseph Wolfenbarger & Orpha Wolfenbarger his wife,
David L. Beeler, Daniel Beeler, Caleb L. Beeler & Morgan Beeler*

to appear before the Judge of the Circuit Court of Lee County, at the Court-house, in the
Clerk's Office, *at June* Rules next, to answer ^{*an original & amended*} a bill in chancery, ex-
hibited in our said Court against *them by John R. Geary*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the
Court-house, this *28th* day *May*, 187*6*, in the *17th* year of the Commonwealth.

James W. Orr, Clerk.

John R. Casey
and John in Quincy
Admission Smith & Co.

June Rules 1876.

Executed by Delivering a
copy of the within to
The S. Ely the other parties
are not in the Commonwealth
The S. Ely, S. L. E.,

The Commonwealth of Virginia:

To the Sheriff of Lee

County---Greeting:

We command you to summon

*Alfred Welfenberger, Margaret Welfenberger
and Addison Dwyer*

to appear at the clerk's office of the ^{Lee} county court of Lee, at the court-house, on the first Monday
in *October* next, being Rule day, to answer a bill in
chancery, exhibited in our said court against *them* by *John R. Geary*

and unless *they* shall answer the said bill within one month thereafter, the same will be
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *2nd* day of

September 187*2*, in the ^{98th} year of the Commonwealth.

Jas. W. Orr Sec
C. cop. Lido J. W. Orr Sec

The Commonwealth of Virginia:

To the Sheriff of Lee

County---Greeting:

We command you to summon

*Alfred Halphenberger, Margaret Halphenberger and
Addison Smyth*

to appear at the clerk's office of the ^{Circuit} county court of Lee, at the court-house, on the first Monday
in *October* next, being Rule day, to answer a bill in
-chancery, exhibited in our said court against *them* by *John R. Gary*

and unless *they* shall answer the said bill within one month thereafter, the same will be
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *3rd* day of
September 187*3*, in the ^{95th} year of the Commonwealth.

Jas. W. Orr J.C.

John T. Geary ¹⁸⁷²
vs ¹ ~~Spencer~~ Chy.
Hedra Walferberg & Co.

Oct. Term 1872

Not executed the defendants
on not residents
C. L. Hamblin & Co.

The Commonwealth of Virginia:

To the Sheriff of Lee

County,--Greeting:

We command you to summon

Alfred Welfenbergar. Margaret Welfenbergar
and Edison Dwyer

to appear at the clerk's office of the *County* court of Lee, at the court-house, on the first Monday
in *October* next, being Rule day, to answer a bill in
chancery, exhibited in our said court against *them* by *John R. Gentry*

and unless *they* shall answer the said bill within one month thereafter, the same will be
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness
JAS. W. ORR, Clerk of our said court, at the court-house, the *3rd* day of
September 187*3*^{*98th*}, in the year of the Commonwealth.

Jm A Orr Sec.
Recd. Sec. H. A. Orr Sec.

The Commonwealth of Virginia :

To the Sheriff of Lee

County---Greeting ::

We command you to summon

Alfred Wolfenbarger, Margaret Wolfenbarger

and Addiea Doughty

to appear at the clerk's office of the ^{county} court of Lee, at the court-house, on the first Monday
in *October* next, being Rule day, to answer a bill in
chancery, exhibited in our said court against *them* by *John R. Young*

and unless *they* shall answer the said bill within one month thereafter, the same will be
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *3rd* day of

September 187*2*, in the year of the Commonwealth.

John A. Orr Sec.
Copy
John A. Orr Sec.

OFFICE OF

Lee County Sentinel,

WEST & PAYNE, Publishers.

JOHN B. WEST, Editor and Proprietor.

Jonesville, Va., Jan'y 1st. 1874.

Virginia, Lee County, to wit:

I do hereby certify that the removal notice has been published, four weeks successively, in the "Lee County Sentinel," a newspaper printed in the town of Jonesville, County and State aforesaid.

Gives under my hand Jan'y 1st 1874.

John B. West

Ed. Lee County Sentinel

VIRGINIA
At Rules held in the Clerk's office of the Circuit Court of Lee county, on the 3d day of September, 1872.

John R. Yeary, Plaintiff,
against
Addison Smith, Alf. Wolfenbarger & Margaret his wife, defts. } In Chancery.

THE object of this suit is to obtain a decree for the sale of the land in the bill mentioned, or a sufficiency thereof to pay and satisfy the bond in the bill mentioned, due the plaintiff. And it appearing from an affidavit filed in the cause, that the defendants are non residents of this Commonwealth, it is therefore ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interests in this suit.

n11-4w

A copy, teste—JAMES W. ORR, Clerk.

John H. Gray
to the friends of P. M. W.
Albion, N. Y.

I hereby certify that a chancery order in the case of John R. Gray vs. Addison Smith et als, of which the annexed is a copy, was printed successively 4 times, ending today in the Lee County Sentinel, a weekly newspaper published in the State of Virginia.

June 16. 1876. } C. McLaughly.

Pub. "Sentinel"

VIRGINIA. In the Clerk's office of the Circuit Court of Lee County, on the 24th day of May, 1876.
JOHN R. YEARY, Plaintiff,
Against
ADDISON SMITH et als. Defendants.
IN CHANCERY, ON AN ORIGINAL AND AMENDED BILL.
The object of the said bill, as amended is to convene the creditors of the decedent, Margaret Wolfmarger, and ascertain the indebtedness of her estate, to marry shall the assets both real and personal, and to subject to the payment of the debts of said estate, the real estate belonging thereto, in the event the personal estate will not be sufficient to pay said debt. And it appearing from an affidavit filed in the cause that the defendants Addison Smith, Alfred Wolfmarger, Joseph Wolfmarger, Opha Wolfmarger, David C. Beeler, Daniel Beeler, Yale Beeler and Morgan M. Beeler are nonresidents of the State of Virginia. It is ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interests in this suit.
A copy—Teste: JAMES W. ORR, Clerk.
may 25-4 p f 86-50. 217131210 X008

Pub. Certificate

John R. Gray

vs.

Adelphi Smith & Co.

I hereby certify that an order of publication (of which the annexed is a copy) of John B. Yeary vs. Addison Smith et al. was printed successively four times in the Lee County Sentinel, a weekly newspaper, published in the Commonwealth of Virginia. Publication ending September 22, 1878.

Chas. H. H. H.
Ed. Sentinel

VIRGINIA:—In the Clerk's office of the Circuit Court of Lee county, on the 24th day of September, 1878.

JOHN B. YEARY, Plaintiff,
against

ADDISON SMITH, ALFRED WOLFENBARGER and MARGARET WOLFENBARGER, his wife, Defendants.

In Chancery on a Scire Facias.

Whereas a suit in Chancery has been pending in our said court between the said Yeary and the said Smith and Wolfenbarger and wife, defendants, and before a final decree was rendered therein the said Margaret Wolfenbarger died, and the plaintiff has applied for a Scire Facias against Thomas S. Ely, administrator of the said Margaret Wolfenbarger, decd., and Orpha, wife of Joseph Wolfenbarger, David C. Beeler, Daniel Beeler, Caleb Beeler and Morgan M. Beeler, heirs at law of the said Margaret Wolfenbarger, deceased. And it appearing by an affidavit filed in said suit, that the said Orpha, wife of Joseph Wolfenbarger, David C. Beeler, Daniel Beeler, Caleb Beeler and Morgan M. Beeler, heirs at law of the said Margaret Wolfenbarger, decd., are non-residents of the State of Virginia. It is therefore ordered that they appear here within one month after due publication of this order, and shew cause, if any they can, why the said suit should not be proceeded in to a final decree.

A copy—Teste:

47-50.

JAMES W. ORR, CLERK.

John R Yeary
Certificate of Pub'
Addison Smith et als
